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Washington, Wednesday, January 24, 1940

The President

EXECUTIVE ORDER

ABOLISHING CUSTOMS COLLECTION DISTRICT NO. 43 (TENNESSEE). REVOKING THE DESIGNATIONS OF MEMPHIS, CHATTANOOGA, AND NASHVILLE, TENNESSEE, AS CUSTOMS PORTS OF ENTRY, AND EXTENDING THE LIMITS OF CUSTOMS COLLECTION DISTRICT NO. 42 (KENTUCKY) AND CUSTOMS COLLECTION DISTRICT NO. 45 (SAINT LOUIS)

By virtue of the authority vested in me by section 1 of the act of August 1, 1914, 38 Stat. 609, 623 (U.S.C., title 19, sec. 2), it is ordered that the following changes be, and they are hereby, made in the customs field organization:

1. Customs Collection District No. 43 (Tennessee) is abolished.
2. The designations of Memphis, Chattanooga, and Nashville, Tennessee, as customs ports of entry are revoked.
3. The limits of Customs Collection District No. 42 (Kentucky) are extended to include the State of Tennessee.
4. The limits of Customs Collection District No. 45 (Saint Louis) are extended to include the State of Arkansas.

This order shall become effective thirty days from the date hereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

January 22, 1940.

[No. 8323]

[F. R. Doc. 40-363; Filed, January 23, 1940; 12:44 p. m.]

EXECUTIVE ORDER

ABOLISHING CUSTOMS COLLECTION DISTRICT NO. 48 (UTAH AND NEVADA), REVOKING THE DESIGNATION OF SALT LAKE CITY, UTAH, AS A CUSTOMS PORT OF ENTRY, AND EXTENDING THE LIMITS OF CUSTOMS COLLECTION DISTRICT NO. 28 (SAN FRANCISCO) TO INCLUDE THE STATES OF UTAH AND NEVADA

By virtue of the authority vested in me by section 1 of the act of August 1,

1914, 38 Stat. 609, 623 (U.S.C., title 19, sec. 2), it is ordered that the following changes be, and they are hereby, made in the customs field organization:

1. Customs Collection District No. 48 (Utah and Nevada) is abolished.
2. The designation of Salt Lake City, Utah, as a customs port of entry is revoked.
3. The limits of Customs Collection District No. 28 (San Francisco) are extended to include the States of Utah and Nevada.

This order shall become effective thirty days from the date hereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

January 22, 1940.

[No. 8324]

[F. R. Doc. 40-364; Filed, January 23, 1940; 12:44 p. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR USE OF THE WAR DEPARTMENT

ALASKA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, and subject to the conditions therein expressed and to valid existing rights, it is ordered that the following-described public land in Alaska be, and it is hereby, temporarily withdrawn from settlement, location, sale, or entry, and reserved for the use of the War Department for military purposes:

Fairbanks Meridian

T. 1 S., R. 1 E., sec. 5, lot 6, containing 14.24 acres.

This order shall continue in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

January 22, 1940.

[No. 8325]

[F. R. Doc. 40-365; Filed, January 23, 1940; 12:44 p. m.]

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TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

PART 29—THE TOBACCO INSPECTION

By virtue of the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act, approved August 23, 1935 (49 Stat., 731), I. H. A. Wallace, Secretary of Agriculture, do prescribe and promulgate the following grades for One Sucker Tobacco, Type 35, Green River Tobacco, Type 36, and Virginia Suncured Tobacco, Type 37, to be known as the Official Standard Grades for Dark Air-cured Tobacco (U. S. Types 35, 36, and 37), to be in force and effect immediately. These official standard grades shall supersede the present standard grades for Green River Tobacco, promulgated on January 13, 1937. (Secs. 29.251–29.256 CFR)

OFFICIAL STANDARD GRADES FOR DARK AIR-CURED TOBACCO

(U. S. Types 35, 36, and 37)

§ 29.251 *Wrapper grades (A-group).* General specifications: All grades of the A group must be clean, sound, ripe, firm, and strong; must have an open weave, bright finish, small to medium size and blending fibers, and over 16" long. General tolerance, 5% injury of a nature affecting wrapper yield.

Grade Description and Specifications

U. S. Grade A1F: Choice Quality Wrapper in Brown Color. Very silky, very fine texture, very elastic, very oily, thin to medium body, broad, over 20" long, uniform in quality and color. Tolerance, 10% leaves of a quality not lower than B2 or C2.

U. S. Grade A1R: Choice Quality Wrapper in Red Color. Rich in oil, medium to heavy body, otherwise same as A1F.

U. S. Grade A2F: Fine Quality Wrapper in Brown Color. Silky, fine texture, elastic, very oily, thin to medium body, spready, harmonizing in quality and color. Tolerance, 20% leaves of a quality not lower than B3 or C3.

U. S. Grade A2R: Fine Quality Wrapper in Red Color. Rich in oil, medium to heavy body, otherwise same as A2F.

U. S. Grade A3F: Good Quality Wrapper in Brown Color. Very smooth, good texture, elastic, oily, thin to medium body, normal width, unmingled in quality and color. Tolerance, 40% leaves of a quality not lower than B3 or C3.

U. S. Grade A3R: Good Quality Wrapper in Red Color. Very oily, medium to heavy body, otherwise same as A3F.

§ 29.252 *Heavy leaf grades (B-group).* General specifications: All grades of the B group must be clean, sound, medium to heavy body, and over 16" long. B1 and B2 qualities must be smooth and must have good texture, an open weave,

medium size and blending fibers, and over 18" long.

Grade Description and Specifications

U. S. Grade B1F: Choice Quality Stouts in Brown Color. Fairly elastic, oily, ripe, firm, medium to fleshy body, tough, broad, very clear, uniform in quality and color. Tolerance, 5% injury and 10% leaves the quality of B3, C3, or better.

U. S. Grade B1R: Choice Quality Stouts in Red Color. Very oily, fleshy to heavy body, otherwise same as B1F.

U. S. Grade B2F: Fine Quality Stouts in Brown Color. Stretchy, oily, ripe, firm, medium to fleshy body, fairly tough, spready, clear, harmonizing in quality and color. Tolerance, 10% injury and 20% leaves the quality of B3, C3, or better.

U. S. Grade B2R: Fine Quality Stouts in Red Color. Very oily, fleshy to heavy body, otherwise same as B2F.

U. S. Grade B3F: Good Quality Stouts in Brown Color. Fairly smooth, fair texture, stretchy, oily, ripe, firm, medium to fleshy body, strong, normal width, fairly open weave, normal finish, unmingled in quality and color. Tolerance, 15% injury and 5% Lugs the quality of X2 or better.

U. S. Grade B3R: Good Quality Stouts in Red Color. Fleshy to heavy body, normal finish, otherwise same as B3F.

U. S. Grade B3D: Good Quality Stouts in Dull Red Color. Fairly oily, dull to cloudy finish, otherwise same as B3R.

U. S. Grade B3M: Good Quality Stouts Mixed in Color. Average quality of B3 or better.

U. S. Grade B3G: Good Quality Stouts in Green Color. Quality of B3 or better, except maturity.

U. S. Grade B4F: Fair Quality Stouts in Brown Color. Not rough, fairly oily, fairly ripe, fairly firm, medium to fleshy body, fairly strong, not stringy, unmingled in color. Tolerance, 20% injury and 10% Lugs the quality of X3 or better.

U. S. Grade B4R: Fair Quality Stouts in Red Color. Fleshy to heavy body, normal finish, otherwise same as B4F.

U. S. Grade B4D: Fair Quality Stouts in Dull Red Color. Lean, dull to dingy finish, otherwise same as B4R.

U. S. Grade B4M: Fair Quality Stouts Mixed in Color. Average quality of B4.

U. S. Grade B4G: Fair Quality Stouts in Green Color. Quality of B4, except maturity.

U. S. Grade B5F: Low Quality Stouts in Brown Color. Medium to fleshy body, normal strength, not stringy, unmingled in color. Tolerance, 40% injury and 25% Lugs the quality of X4 or better.

U. S. Grade B5R: Low Quality Stouts in Red Color. Fleshy to heavy body, normal finish, otherwise same as B5F.

U. S. Grade B5D: Low Quality Stouts in Dull Red Color. Dull to dingy finish, otherwise same as B5R.

U. S. Grade B5M: Low Quality Stouts Mixed in Color. Average quality of B5.

U. S. Grade B5G: Low Quality Stouts in Green Color. Quality of B5.

§ 29.253 *Thin leaf grades (C-group)*. General specifications: All grades of the C group must be clean, sound, thin to medium body, and over 16" long. C1 and C2 qualities must be very smooth, must have good texture, open weave, small to medium size and blending fibers, and over 18" long.

Grade Description and Specifications

U. S. Grade C1L: Choice Quality Thins in Light Color. Fairly elastic, oily, ripe, firm, thin body, strong, broad, very clear, uniform in quality and color. Tolerance, 5% injury and 10% leaves the quality of C3, B3, or better.

U. S. Grade C1F: Choice Quality Thins in Brown Color. Fairly thin body, otherwise same as C1L.

U. S. Grade C1R: Choice Quality Thins in Red Color. Fairly thin to medium body, otherwise same as C1L.

U. S. Grade C2L: Fine Quality Thins in Light Color. Fairly stretchy, oily, ripe, firm, thin body, fairly strong, spready, clear, harmonizing in quality and color. Tolerance, 10% injury and 20% leaves the quality of C3, B3, or better.

U. S. Grade C2F: Fine Quality Thins in Brown Color. Fairly thin body, otherwise same as C2L.

U. S. Grade C2R: Fine Quality Thins in Red Color. Fairly thin to medium body, otherwise same as C2L.

U. S. Grade C3L: Good Quality Thins in Light Color. Smooth, fair texture, fairly oily, fairly ripe, firm, thin body, normal strength and width, fairly open weave, normal finish, unmingled in quality and color. Tolerance, 15% injury and 5% Lugs the quality of X2 or better.

U. S. Grade C3F: Good Quality Thins in Brown Color. Fairly thin body, otherwise same as C3L.

U. S. Grade C3R: Good Quality Thins in Red Color. Fairly thin to medium body, otherwise same as C3L.

U. S. Grade C3M: Good Quality Thins Mixed in Color. Average quality of C3 or better.

U. S. Grade C4L: Fair Quality Thins in Light Color. Not coarse, lean, fairly ripe, fairly firm, thin body, not weak or stringy, unmixed in color. Tolerance, 20% injury and 10% Lugs the quality of X3 or better.

U. S. Grade C4F: Fair Quality Thins in Brown Color. Fairly thin body, otherwise same as C4L.

U. S. Grade C4R: Fair Quality Thins in Red Color. Fairly thin to medium body, otherwise same as C4L.

U. S. Grade C4M: Fair Quality Thins Mixed in Color. Average quality of C4.

U. S. Grade C4G: Fair Quality Thins in Pale Green Color. Quality of C4 or better, except maturity.

U. S. Grade C5L: Low Quality Thins in Light Color. Thin body, not tender or stringy, unmixed in color. Tolerance, 40% injury and 25% Lugs the quality of X4 or better.

U. S. Grade C5F: Low Quality Thins in Brown Color. Fairly thin body, otherwise same as C5L.

U. S. Grade C5R: Low Quality Thins in Red Color. Fairly thin to medium body, otherwise same as C5L.

U. S. Grade C5M: Low Quality Thins Mixed in Color. Average quality of C5.

U. S. Grade C5G: Low Quality Thins in Pale Green Color. Quality of C5.

§ 29.254 *Short leaf and tips (T-group)*. General specifications: All grades of the T group must be clean, sound, and shall consist of leaf tobacco which is too short to meet the specifications for U. S. Size 44 and stringy leaf which is too narrow to meet the grade specifications of the B and C groups.

Grade Description and Specifications

U. S. Grade T3F: Good Quality Tips in Brown Color. Fairly smooth, fair texture, stretchy, oily, ripe, firm, medium to fleshy body, strong, not stringy, fairly open weave, normal finish, unmingled in quality and color. Tolerance, 15% injury and 5% Lugs the quality of X2 or better.

U. S. Grade T3R: Good Quality Tips in Red Color. Fleshy to heavy body, otherwise same as T3F.

U. S. Grade T3D: Good Quality Tips in Dull Red Color. Fairly oily, dull to cloudy finish, otherwise same as T3R.

U. S. Grade T3M: Good Quality Tips Mixed in Color. Average quality of T3.

U. S. Grade T3G: Good Quality Tips in Green Color. Quality of T3, except maturity.

U. S. Grade T4F: Fair Quality Tips in Brown Color. Not rough, fairly oily, fairly ripe, fairly firm, thin to medium body, normal strength, unmixed in color. Tolerance, 20% injury and 10% Lugs the quality of X3 or better.

U. S. Grade T4R: Fair Quality Tips in Red Color. Medium to fleshy body, normal finish, otherwise same as T4F.

U. S. Grade T4D: Fair Quality Tips in Dull Red Color. Lean, dull to dingy finish, otherwise same as T4R.

U. S. Grade T4M: Fair Quality Tips Mixed in Color. Average quality of T4.

U. S. Grade T4G: Fair Quality Tips in Green Color. Quality of T4, except maturity.

U. S. Grade T5F: Low Quality Tips in Brown Color. Not tender, unmixed in color. Tolerance, 40% injury and 25% Lugs the quality of X4 or better.

U. S. Grade T5R: Low Quality Tips in Red Color. Normal finish, otherwise same as T5F.

U. S. Grade T5D: Low Quality in Dull Red Color. Dull to dingy finish, otherwise same as T5R.

U. S. Grade T5M: Low Quality Tips Mixed in Color. Average quality of T5.

U. S. Grade T5G: Low Quality Tips in Green Color. Quality of T5.

§ 29.255 *Lug grades (X group)*. General specifications: All grades of the X group must be sound and normally free of dirt and other foreign matter.

Grade Description and Specifications

U. S. Grade X1L: Choice Quality Lugs in Light Color. Fairly smooth, fairly oily, very ripe, fairly firm, thin body, strong, normal finish, harmonizing in quality and color.

U. S. Grade X1F: Choice Quality Lugs in Brown Color. Medium body, otherwise same as X1L.

U. S. Grade X1R: Choice Quality Lugs in Red Color. Fleshy to heavy body, otherwise same as X1L.

U. S. Grade X2L: Fine Quality Lugs in Light Color. Not coarse, fairly oily, ripe, fairly firm, thin body, fairly strong, normal finish, unmingled in quality and color.

U. S. Grade X2F: Fine Quality Lugs in Brown Color. Medium body, otherwise same as X2L.

U. S. Grade X2R: Fine Quality Lugs in Red Color. Fleshy to heavy body, otherwise same as X2L.

U. S. Grade X3L: Good Quality Lugs in Light Color. Not rough, fairly ripe, not flabby, thin body, normal strength, and finish, unmixed in quality and color. Tolerance, 10% dead and trashy leaves.

U. S. Grade X3F: Good Quality Lugs in Brown Color. Medium body, otherwise same as X3L.

U. S. Grade X3R: Good Quality Lugs in Red Color. Fleshy to heavy body, otherwise same as X3L.

U. S. Grade X3D: Good Quality Lugs in Dull Red Color. Dull to cloudy finish, otherwise same as X3R.

U. S. Grade X3M: Good Quality Lugs Mixed in Color. Heavy body, average quality of X3 or better.

U. S. Grade X3G: Good Quality Green Lugs. Heavy body, quality of X3 or better, except maturity.

U. S. Grade X4L: Fair Quality Lugs in Light Color. Thin body, not weak, unmixed in color. Tolerance, 20% dead and trashy leaves.

U. S. Grade X4F: Fair Quality Lugs in Brown Color. Medium body, otherwise same as X4L.

U. S. Grade X4R: Fair Quality Lugs in Red Color. Fleshy to heavy body, normal finish, otherwise same as X4L.

U. S. Grade X4D: Fair Quality Lugs in Dull Red Color. Dull to dingy finish, otherwise same as X4R.

U. S. Grade X4M: Fair Quality Lugs Mixed in Color. Medium body, average quality of X4.

U. S. Grade X4G: Fair Quality Green Lugs. Medium body, otherwise quality of X4.

U. S. Grade X5L: Low Quality Lugs in Light Color. Thin body, unmixed in color. Tolerance, 40% dead and trashy leaves.

U. S. Grade X5F: Low Quality Lugs in Brown Color. Medium body, otherwise same as X5L.

U. S. Grade X5R: Low Quality Lugs in Red Color. Fleshy to heavy body, normal finish, otherwise same as X5L.

U. S. Grade X5D: Low Quality Lugs in Dull Red Color. Dull to dingy finish, otherwise same as X5R.

U. S. Grade X5M: Low Quality Lugs Mixed in Color. Average quality of X5.

U. S. Grade X5G: Low Quality Green Lugs. Quality of X5.

§ 29.256 *Nondescript and scrap (N & S groups).*

Grade Description and Specifications

U. S. Grade N: Nondescript, as defined.
U. S. Grade S: Scrap, as defined.

§ 29.257 *Terms defined.* For the purposes of these official standard grades, the following terms shall be construed, respectively, to mean:

Aircured. Tobacco cured under natural atmospheric conditions without the use of fire, except for the purpose of preventing pole-burn in damp weather.

Airdried. The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions by rehanging in well-ventilated houses after it is cured and stripped.

Body. The thickness of a leaf or weight per unit of surface.

Class. A major division of tobacco based on characteristics caused by varieties, soils, or climatic conditions, and the method of cultivation, harvesting, or curing.

Clean. Normally free of dirt and other foreign matter.

Condition. The state of tobacco in storage, or in relation to its preparation for storage, with reference to its manner of preparation or its degree of fermentation, such as Undried, Airdried, Steamdried, Sweating, Sweated, and Resweated.

Crude. Very immature or the lowest degree of maturity. Any leaf of which 20% or more of its surface has a positive green color is crude.

Cured. Tobacco dried of its sap by either natural or artificial processes.

Damage. The effect of mold, must, rot, black-rot, or other fungous or bacterial diseases which attack tobacco in its cured state, including tobacco having the odor of mold, must, or rot.

Decayed. Damaged to the extent of 20% or more.

Foreign matter. Any substance or material extraneous to tobacco, including dirt, sand, stalks, suckers, straw, strings, et cetera.

Form. The stage of preparation of tobacco, such as Unstemmed and Stemmed.

Grade. A subdivision of a type according to group and quality, and according to color when it is of sufficient importance to be treated as a separate factor.

Green. Tobacco of which 20% or more of its leaf surface is predominantly green in color.

Greenish. Tobacco of which 20% or more of its leaf surface has a decided tinge of green or tobacco which is not green but which has 20% of green and greenish-cast combined.

Group. A division of a type covering several closely related grades based on the general quality of the tobacco, including body, the percentage of injury, and other characteristics.

Injury. Hurt or impairment from any cause except damage. Injured tobacco shall include dead, burnt, hail-cut, or ragged tobacco; or tobacco that has been torn or broken, frozen or frosted, sun-burned or scalded, scorched or fire-killed, bulk-burnt or stem-burnt, pole-burnt or house-burnt, bleached or bruised; or tobacco containing discolored or deformed leaves; or tobacco hurt by insects; or tobacco having an odor foreign to the type; or tobacco affected by wild-fire, rust, frog-eye, mosaic, frencing, sand-drown, or other similar diseases.

Leaf-scrap. Unstemmed scrap, which is a by-product from handling unstemmed tobacco consisting of loose and tangled whole or broken leaves.

Lugs. Any lot of tobacco, except nondescript and scrap, composed chiefly of comparatively thin and lean leaves, and showing a material amount of injury of the kind characteristic of leaves grown near the ground; or any tobacco, except nondescript and scrap, injured or containing lug leaves, in excess of the tolerance allowed in the grades of the B, C, and T groups.

Mixed (in color). A lot of tobacco which is not green and which contains 30% or more leaves of distinctly different color from the run of the lot, including variegated leaves unless such leaves are indicated by a special factor.

Mixed (in quality). A lot of tobacco which contains 30% or more leaves of distinctly different group or quality from the run of the lot.

Nested. Any lot of tobacco which has been so loaded, packed, or arranged as to conceal foreign matter or tobacco of inferior grade, quality, or condition, including lots of tobacco which contain damaged, injured, tangled, or other inferior tobacco which cannot be readily detected upon inspection on account of the way the lot was packed or arranged.

Nondescript. Any nested or decayed tobacco; or muddy or extremely dirty tobacco; or tobacco containing an unusual amount of foreign matter; or tobacco containing over 30% of crude leaves; or tobacco infested with live tobacco beetles or other injurious insects; or wet tobacco; or uncured tobacco including fat-stems and wet-butts; or very inferior lots of tobacco of a quality that is not ordinarily marketed; or tobacco having characteristics distinctly foreign to the type.

Quality. A division of group, forming the second factor of a grade, based upon the relative degree of one or more of the elements of quality in tobacco.

Resweated. The condition of tobacco which has passed through a second fermentation under abnormally high temperatures, or fermented with a relatively high percentage of moisture, in-

cluding tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

Scrap. A by-product from handling tobacco in both the unstemmed and stemmed forms, consisting chiefly of portions of tobacco leaves, except stems, which accumulate in warehouses, packing and conditioning plants, and stemmeries.

Side. Any distinct characteristic of tobacco; or a certain phase of quality, color, or length as compared with some other phase of quality, color, or length.

Size. The length of tobacco leaves.

Sound. Free of damage.

Special factor. Any side of a grade, or characteristic of importance, varying from or not covered by the specifications of the grade.

Steamdried. The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

Stem. The midrib of a tobacco leaf.

Stemmed. A form of tobacco from which the stems or midribs have been removed, including both strips and strip-scrap.

Stems. A tobacco by-product composed of the midribs of tobacco leaves.

Stouts. A term used to designate tobacco of the heavy leaf or B group.

Strips. The slides of tobacco leaves from which the stems have been removed.

Strip-scrap. Stemmed scrap or stemless scrap, which is a by-product from stemming tobacco or handling strips, consisting chiefly of portions of strips.

Subgrade. Any grade modified by a special factor or subgroup symbol.

Subgroup. A group formed by the substitution of a different group symbol to denote a modification of the specifications or to indicate a certain side or characteristic of the tobacco.

Sweated. The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture.

Sweating. The condition of tobacco in the process of fermentation.

Thins. A term used to designate tobacco of the thin leaf or C group.

Tips. Short leaf or leaf and tips under U. S. Size 44.

Type. A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

Type 35. That type of air-cured tobacco commonly known as One Sucker Air-cured, Kentucky-Tennessee-Indiana One Sucker, or Dark Air-cured One Sucker, including the upper Cumberland district one sucker; and produced prin-

cipally in northern Tennessee, south central Kentucky, and Southern Indiana.

Type 36. That type of air-cured tobacco commonly known as Green River, Green River Air-cured, Dark Air-cured of the Henderson and Owensboro Districts; and produced principally in the Green River section of Kentucky.

Type 37. That type of air-cured or sun-cured tobacco commonly known as Virginia Sun-cured, Virginia Sun and Air-cured, or Dark Air-cured of Virginia; and produced principally in the central section of Virginia north of the James River.

Undried. The condition of unfermented tobacco which has not been air-dried, or steamdried.

Uniformity. One of the elements of quality in tobacco having reference to the consistency of a lot with respect to other elements of quality or color. The following are the specifications for the several degrees of uniformity showing for each degree the percentage of a lot that may be of a *distinctly different* group, quality, or color from the run of the lot; (a) Uniform, less than 5%; (b) Harmonizing, less than 10%; (c) Unmingled, less than 20%; (d) Mingled or Unmixed, less than 30%; and (e) Mixed, over 30%. When Uniformity with respect to quality is specified it also includes uniformity with respect to group, but when uniformity with respect to color only is specified it does not include uniformity with respect to group or quality.

Unsound. Damaged under 20%.

Unstemmed. A form of tobacco from which the stems or midribs have not been removed, including both whole-leaf and leaf-scrap.

Variegated. Having a diversity of contrasting colors or tints within a leaf; including leaves which are gray, mottled, bleached, or stained; or leaves which do not blend with the normal colors of the type.

§ 29.258 **Rules.** The application of these official standard grades shall be in accordance with the following rules:

RULE 1. Each grade shall be treated as a subdivision of a particular type and when the grade is stated in an inspection certificate, the type shall also be stated.

RULE 2. The determination of grade shall be based upon a thorough examination of a lot of tobacco or an official sample of the lot.

RULE 3. In determining the grade of a lot of tobacco, the lot as a whole shall be considered, and minor irregularities which do not affect over one per cent of the tobacco shall be overlooked.

RULE 4. Unsound tobacco shall be treated as a subgrade by placing the special factor letter "U" after or above the grade mark. For example: if a lot of tobacco is unsound but otherwise meets the specifications of B4F, it shall be graded B4F-U.

RULE 5. When a lot of tobacco, unmixed in color, is on the marginal line between two colors so that there is a

question as to which is the predominant color, it shall be placed in the color with which the tobacco best corresponds with respect to body and maturity.

RULE 6. Any lot of tobacco shall be regarded as meeting the specifications of a certain grade when the tobacco is not lower in any degree of quality than that stated in the specifications of such grade. The degree of uniformity specified for a particular grade governs the percentage of a lot which must meet the specifications with respect to other degrees of quality.

RULE 7. Any lot of tobacco which clearly and fully meets the specifications of two or more grades shall be placed in the highest one of such grades; but any lot of tobacco which is on the marginal line between two or more grades so that the grade cannot be determined by applying other rules, shall be placed in the lowest grade in question.

RULE 8. The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification thereof.

RULE 9. If, at any time, it is found that a lot of tobacco does not comply with the description and specifications of the grade previously assigned, it shall not thereafter be represented as being of such grade.

RULE 10. Any special factor symbol, approved for the purpose by the Agricultural Marketing Service, may be used after or above a grade mark to show a peculiar side or characteristic of the tobacco.

RULE 11. Length shall be stated in connection with each grade of the A, B, and C groups, and may be stated in connection with the grades of other groups. For this purpose, U. S. Tobacco Sizes shall be used.

Done at Washington, D. C., this 23d day of January 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-362; Filed, January 23, 1940; 12:03 p. m.]

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1940-6]

PART 701—1940 AGRICULTURAL CONSERVATION PROGRAM BULLETIN*

SUPPLEMENT 6

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1940 Agricultural Conservation Program Bulletin approved September 6, 1939, as amended, is hereby further amended as follows:

*Section 701.101 issued under authority contained in Section 8 (c) (5), 52 Stat. 31, 204; 16 U.S.C. 590h.

Subdivision iii of subparagraph (5) of paragraph (a) of Section 701.101¹ is hereby amended by the addition of the following sentence:

"The county normal yields of corn for 1940 shall be the county normal yields of corn for 1940 approved by the Secretary pursuant to the provisions of Title III of the Agricultural Adjustment Act of 1938, as amended."

Done at Washington, D. C., this 23d day of January 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-360; Filed, January 23, 1940; 12:02 p. m.]

PART 721—CORN

DETERMINATION OF COUNTY NORMAL YIELDS OF CORN FOR 1940*

§ 721.204. *County normal yields of corn for 1940.* Pursuant to the authority vested in the Secretary of Agriculture under Section 301 (b) (13) (A) of the Agricultural Adjustment Act of 1928, as Amended, the normal yields of corn for 1940 for such counties are hereby established as follows:

County and Corn Yield

Illinois. Adams, 38.8; Alexander, 30.7; Bond, 27.6; Boone, 39.8; Brown, 36.6; Bureau, 48.1; Calhoun, 41.4; Carroll, 48.0; Cass, 38.2; Champaign, 47.9; Christian, 39.4; Clark, 37.0; Clay, 24.1; Clinton, 32.8; Coles, 37.9; Cook, 38.8; Crawford, 35.0; Cumberland, 31.1; DeKalb, 49.3; DeWitt, 42.5; Douglas, 42.2; Du Page, 41.0; Edgar, 45.1; Edwards, 32.6; Effingham, 28.7; Fayette, 25.7; Ford, 44.8; Fulton, 45.6; Gallatin, 32.4; Greene, 38.8; Grundy, 40.8; Hamilton, 24.9; Hancock, 40.7; Hardin, 25.4; Henderson, 46.9; Henry, 49.5; Iroquois, 43.0; Jackson, 30.7; Jasper, 28.8; Jersey, 37.5; Jo Daviess, 44.6; Johnson, 24.4; Kane, 47.0; Kankakee, 40.0; Kendall, 41.8; Knox, 48.8; Lake, 38.6; La Salle, 47.3; Lawrence, 33.3; Lee, 46.2; Livingston, 44.7; Logan, 45.1; McDonough, 44.5; McHenry, 39.6; McLean, 45.1; Macon, 44.6; Macoupin, 35.3; Madison, 34.9; Marion, 24.5; Marshall, 44.3; Mason, 36.9; Massac, 30.6; Menard, 43.0; Mercer, 46.7; Monroe, 38.1; Montgomery, 34.2; Morgan, 39.6; Moultrie, 40.2; Ogle, 44.7; Peoria, 45.4; Perry, 23.7; Piatt, 45.9; Pike, 38.4; Pope, 24.2; Pulaski, 29.9; Putnam, 49.8; Randolph, 29.7; Richland, 26.9; Rock Island, 46.7; St. Clair, 34.7; Saline, 29.8; Sangamon, 42.7; Schuyler, 42.8; Scott, 39.4; Shelby, 35.4; Stark, 46.2; Stephenson, 44.1; Tazewell, 45.9; Union, 31.2; Vermilion, 41.3; Wabash, 36.2; Warren, 48.1; Washington, 25.2; Wayne, 22.6; White, 31.0; Whiteside, 46.6; Will, 38.5; Winnebago, 42.1; and Woodford, 48.2.

¹ 4 F.R. 3867 DI.

*Section 721.204 issued under authority contained in Section 301(b) (13) (A), 52 Stat. 38, 202; 7 U.S.C. 1301.

Indiana. Adams, 43.5; Allen, 40.6; Bartholomew, 39.6; Benton, 40.4; Blackford, 38.6; Boone, 41.8; Carroll, 44.8; Cass, 42.4; Clay, 35.7; Clinton, 43.0; Daviess, 34.6; Dearborn, 33.2; Decatur, 43.3; Delaware, 46.0; DeKalb, 38.3; DuBois, 34.3; Elkhart, 36.6; Fayette, 46.6; Fountain, 38.7; Franklin, 42.8; Fulton, 40.8; Gibson, 36.1; Grant, 47.0; Greene, 36.3; Hamilton, 44.2; Hancock, 41.7; Hendricks, 40.6; Henry, 39.7; Howard, 49.4; Huntington, 42.6; Jackson, 34.1; Jasper, 34.3; Jay, 39.0; Jennings, 31.9; Johnson, 45.8; Knox, 35.7; Kosciusko, 41.2; Lagrange, 37.7; Lake, 38.0; La Porte, 37.6; Lawrence, 34.0; Madison, 46.9; Marion, 33.8; Marshall, 39.5; Martin, 32.9; Miami, 46.1; Monroe, 33.3; Montgomery, 41.8; Morgan, 40.1; Newton, 38.4; Noble, 39.1; Orange, 32.5; Owen, 33.2; Parke, 37.6; Pike, 31.1; Porter, 36.0; Posey, 35.7; Pulaski, 35.2; Putnam, 38.4; Randolph, 42.3; Ripley, 30.8; Rush, 48.6; St. Joseph, 37.3; Scott, 28.4; Shelby, 40.8; Spencer, 31.3; Starke, 34.7; Steuben, 33.0; Sullivan, 34.3; Tippecanoe, 38.5; Tipton, 49.7; Union, 47.8; Vanderburgh, 38.8; Vermillion, 34.3; Vigo, 34.9; Wabash, 45.2; Warren, 33.2; Warrick, 30.9; Washington, 32.0; Wayne, 43.9; Wells, 44.6; White, 39.6; and Whitley, 40.1.

Iowa. Adair, 38.2; Adams, 35.2; Allamakee, 44.9; Appanoose, 28.6; Audubon, 40.7; Benton, 48.9; Black Hawk, 46.0; Boone, 46.7; Bremer, 43.5; Buchanan, 41.5; Buena Vista, 46.5; Butler, 41.7; Calhoun, 46.6; Carroll, 43.7; Cass, 37.8; Cedar, 52.9; Cerro Gordo, 40.7; Cherokee, 41.6; Chickasaw, 38.0; Clark, 31.6; Clay, 44.0; Clayton, 48.5; Clinton, 49.4; Crawford, 34.6; Dallas, 44.1; Davis, 30.2; Decatur, 28.4; Delaware, 45.4; Des Moines, 44.0; Dickinson, 41.8; Dubuque, 45.9; Emmet, 44.5; Fayette, 42.9; Floyd, 39.2; Franklin, 45.9; Fremont, 35.6; Greene, 43.5; Grundy, 48.9; Guthrie, 39.8; Hamilton, 47.1; Hancock, 44.3; Hardin, 46.2; Harrison, 32.8; Henry, 46.4; Howard, 37.2; Humboldt, 48.5; Ida, 35.5; Iowa, 48.1; Jackson, 47.2; Jasper, 46.7; Jefferson, 37.5; Johnson, 48.3; Jones, 50.4; Keokuk, 43.4; Kossuth, 45.2; Lee, 35.8; Linn, 46.2; Louisa, 43.8; Lucas, 30.3; Lyon, 37.5; Madison, 39.6; Mahaska, 42.3; Marion, 39.5; Marshall, 48.5; Mills, 37.9; Mitchell, 42.0; Monona, 34.3; Monroe, 30.4; Montgomery, 38.2; Muscatine, 47.2; O'Brien, 46.4; Osceola, 42.9; Page, 35.2; Palo Alto, 43.6; Plymouth, 32.4; Pocahontas, 47.3; Polk, 45.7; Pottawattamie, 38.3; Poweshiek, 48.0; Ringgold, 28.7; Sac, 42.5; Scott, 52.5; Shelby, 39.6; Sioux, 39.2; Story, 48.3; Tama, 48.8; Taylor, 30.8; Union, 33.6; Van Buren, 33.1; Wapello, 37.2; Warren, 38.8; Washington, 47.8; Wayne, 29.0; Webster, 47.0; Winnebago, 44.1; Winneshiek, 44.6; Woodbury, 32.1; Worth, 42.5; and Wright, 47.0.

Michigan. Berrien, 31.9; Branch, 34.4; Calhoun, 34.5; Cass, 31.4; Hillsdale, 35.8; Jackson, 35.3; Kalamazoo, 33.1; Lenawee, 36.5; Monroe, 39.4; St. Joseph, 30.6; Washtenaw, 35.7; and Wayne, 31.3.

Minnesota. Big Stone, 25.1; Blue Earth, 41.3; Brown, 41.8; Carver, 45.5;

Chippewa, 29.5; Cottonwood, 37.4; Dakota, 37.1; Dodge, 37.0; Faribault, 42.5; Fillmore, 40.3; Freeborn, 42.7; Goodhue, 41.9; Grant, 25.4; Hennepin, 33.4; Houston, 45.3; Jackson, 40.6; Kandiyohi, 33.2; Lac Qui Parle, 25.7; Le Sueur, 43.5; Lincoln, 28.8; Lyon, 31.6; McLeod, 41.0; Martin, 41.2; Meeker, 34.4; Mower, 40.0; Murray, 36.2; Nicollet, 44.7; Nobles, 39.6; Olmsted, 40.1; Pipestone, 30.8; Pope, 27.5; Redwood, 34.5; Renville, 35.5; Rice, 42.3; Rock, 35.9; Scott, 43.7; Sibley, 44.5; Stearns, 29.1; Steele, 43.1; Stevens, 27.9; Swift, 27.9; Traverse, 23.8; Wabasha, 41.4; Waseca, 42.5; Washington, 29.9; Watonwan, 39.3; Winona, 40.5; Wright, 32.5; and Yellow Medicine, 31.3.

Missouri. Adair, 26.2; Andrew, 27.9; Atchison, 32.1; Audrain, 21.5; Bates, 18.4; Benton, 19.8; Boone, 25.9; Buchanan, 30.6; Caldwell, 24.9; Callaway, 22.8; Cape Girardeau, 26.2; Carroll, 26.5; Cass, 20.4; Chariton, 27.1; Clark, 27.3; Clay, 25.7; Clinton, 26.9; Cooper, 23.5; Daviess, 25.6; De Kalb, 23.5; Dunklin, 24.8; Gentry, 24.6; Grundy, 25.6; Harrison, 25.6; Henry, 17.2; Holt, 30.6; Howard, 27.7; Jackson, 25.6; Johnson, 20.6; Knox, 25.4; Lafayette, 28.7; Lewis, 26.0; Lincoln, 26.4; Linn, 26.1; Livingston, 26.5; Macon, 23.8; Marion, 29.6; Mercer, 26.5; Mississippi, 25.5; Moniteau, 23.6; Monroe, 26.0; Montgomery, 24.4; New Madrid, 24.9; Nodaway, 25.9; Pemiscot, 25.2; Perry, 25.8; Pettis, 22.8; Pike, 30.3; Platte, 29.5; Putnam, 28.4; Ralls, 26.3; Randolph, 24.5; Ray, 27.3; St. Charles, 33.1; St. Clair, 17.7; Saline, 29.0; Schuyler, 26.7; Scotland, 26.3; Scott, 24.6; Shelby, 25.3; Stoddard, 21.9; Vernon, 17.0; and Worth, 24.7.

Nebraska. Adams, 17.0; Antelope, 18.4; Boone, 20.9; Buffalo, 18.7; Burt, 33.0; Butler, 25.8; Cass, 27.4; Cedar, 23.6; Chase, 15.6; Clay, 18.2; Colfax, 27.6; Cuming, 32.2; Custer, 15.7; Dakota, 30.8; Dawson, 20.7; Dixon, 27.0; Dodge, 30.0; Douglas, 30.0; Fillmore, 21.8; Franklin, 15.2; Frontier, 15.7; Furnas, 17.6; Gage, 22.0; Gosper, 15.8; Greeley, 17.5; Hall, 19.9; Hamilton, 20.5; Harlan, 15.4; Hayes, 15.4; Hitchcock, 14.7; Howard, 18.2; Jefferson, 20.5; Johnson, 22.8; Kearney, 15.9; Knox, 19.0; Lancaster, 24.9; Lincoln, 15.6; Madison, 26.4; Merrick, 20.4; Nance, 23.2; Nemaha, 28.0; Nuckolls, 16.6; Otoe, 25.7; Pawnee, 21.8; Perkins, 15.9; Phelps, 17.4; Pierce, 25.1; Platte, 27.6; Polk, 25.7; Redwillow, 15.5; Richardson, 26.9; Saline, 21.8; Sarpy, 29.2; Saunders, 26.1; Seward, 25.8; Sherman, 16.2; Stanton, 26.6; Thayer, 17.2; Thurston, 29.6; Valley, 17.1; Washington, 31.2; Wayne, 28.0; Webster, 15.8; and York, 24.4.

Ohio. Adams, 30.2; Allen, 43.9; Ashland, 39.3; Auglaize, 44.3; Brown, 30.6; Butler, 40.6; Champaign, 43.5; Clark, 45.1; Clermont, 31.6; Clinton, 45.7; Coshocton, 42.5; Crawford, 42.2; Darke, 42.8; Defiance, 39.9; Delaware, 40.6; Erie, 41.7; Fairfield, 45.5; Fayette, 44.9; Franklin, 43.3; Fulton, 44.3; Greene, 46.2; Hamilton, 40.9; Hancock, 42.7; Hardin, 44.2; Henry, 45.2; Highland, 36.1;

Holmes, 41.5; Huron, 38.7; Jackson, 34.7; Knox, 42.0; Licking, 44.6; Logan, 41.3; Lorain, 42.9; Lucas, 45.3; Madison, 40.8; Marion, 39.5; Medina, 39.0; Mercer, 45.2; Miami, 44.6; Montgomery, 43.2; Morrow, 38.7; Muskingum, 40.9; Ottawa, 41.7; Paulding, 37.6; Perry, 38.5; Pickaway, 45.0; Pike, 34.1; Preble, 46.5; Putnam, 42.6; Richland, 40.5; Ross, 43.3; Sandusky, 42.7; Scioto, 40.9; Seneca, 40.5; Shelby, 43.4; Stark, 43.2; Union, 41.7; Van Wert, 43.9; Warren, 39.7; Wayne, 44.2; Williams, 42.3; Wood, 43.8; and Wyandot, 41.7.

South Dakota. Bon Homme, 15.0; Brookings, 20.9; Clay, 23.5; Deuel, 19.0; Grant, 19.0; Hamlin, 17.8; Hanson, 12.0; Hutchinson, 14.3; Kingsbury, 15.5; Lake, 19.8; Lincoln, 24.5; McCook, 18.0; Minnehaha, 24.1; Moody, 23.8; Roberts, 18.5; Turner, 19.3; Union, 28.2; and Yankton, 18.2.

Wisconsin. Columbia, 37.2; Crawford, 38.0; Dane, 37.3; Grant, 38.9; Green, 37.2; Iowa, 37.5; Jefferson, 38.9; Lafayette, 37.7; Richland, 37.7; Rock, 38.1; Sauk, 36.8; and Walworth, 38.9.

Kansas. Anderson, 17.1; Atchison, 24.1; Brown, 25.6; Coffey, 18.6; Doniphan, 28.9; Douglas, 21.3; Franklin, 18.3; Jackson, 20.1; Jefferson, 22.4; Jewell, 14.2; Johnson, 22.1; Leavenworth, 22.5; Linn, 16.6; Marshall, 19.7; Miami, 19.9; Nemaha, 21.3; Norton, 16.3; Osage, 19.5; Phillips, 16.6; Pottawatomie, 23.4; Republic, 16.3; Riley, 21.6; Shawnee, 22.4; Smith, 13.4; and Washington, 18.4.

Kentucky. Ballard, 23.0; Carlisle, 24.2; Crittenden, 20.7; Daviess, 26.1; Fulton, 27.8; Hancock, 23.7; Henderson, 28.3; Hickman, 25.4; Livingston, 20.9; McLean, 23.3; Union, 30.2; and Webster, 22.0.

Done at Washington, D. C., this 23d day of January 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-361; Filed, January 23, 1940; 12:02 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 62—RESERVE OFFICERS' TRAINING CORPS

ADMINISTRATION AND TRAINING²

§ 62.26 *Honor graduates of colleges and universities.* (a) The professor of military science and tactics at each college and university maintaining a Reserve Officers' Training Corps unit may designate annually the honor graduates of such units. The professor of military science and tactics acts in a strictly mili-

² These regulations supersede Sections 62.26, 62.27, and 62.28, Chapter VI, Title 10, Code of Federal Regulations.

tary capacity in designating such honor graduates.

(b) The term "honor graduate" will apply to graduates of the institution in the current academic year who are graduates of the Reserve Officers' Training Corps in the current year or previous years, citizens of the United States, who have been selected by the president or other head of the institution for scholastic excellence, and who have been designated as honor graduates by the professor of military science and tactics as possessing outstanding qualities of leadership, character and aptitude for military service.

(c) The designation as honor graduate of a senior division Reserve Officers' Training Corps unit of an institution, other than medical, within the continental United States which offers a college degree upon satisfactory completion of not less than a four years' college course entitles the individual to be considered in selection of applicants for appointment in the Regular Army, provided he is eligible for appointment under other pertinent laws and regulations (see Sec. 73.54). (Sec. 40, 39 Stat. 191; sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Par. 79, AR 145-10, May 28, 1931, as amended by Sec. I, Cir. No. 4, W. D., Jan. 13, 1940]

§ 62.27 *Honor graduates of honor military schools.* (a) For each year that an essentially military school is designated as an honor military school, the professor of military science and tactics assigned thereto may designate not to exceed three honor graduates.

(b) In this case the term "honor graduate" will apply to graduates of such institutions in the current academic year, who have been members of the Reserve Officers' Training Corps for at least two years while at the school, citizens of the United States, who have in their school work, shown proficiency in subjects amounting to not less than 15 units prescribed by the regulations for admission to the United States Military Academy and have been selected by the president or other head of the institution for scholastic excellence, and who have been designated by the professor of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for the military service. The requirements for admission to the United States Military Academy are shown in detail in the War Department pamphlet, Information Relative to the Appointment and Admission of Cadets to the United States Military Academy, which may be obtained from The Adjutant General.

(c) In case a class MI institution is designated as an honor military school, the honor graduates thereof will be listed in two groups, as follows:

- (1) Honor graduates, honor military school.
- (2) Class MI honor graduates.

(d) The names of the honor graduates of honor military schools (paragraph (c) (1) above), together with the academic standing attained by each and accompanied by a report prepared by the professor of military science and tactics, will be furnished The Adjutant General immediately following graduation. The report of the professor of military science and tactics will contain the military record of each graduate and a brief estimate of his qualifications as a potential officer. (Sec. 40, 39 Stat. 191; sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Par. 80, AR 145-10, May 28, 1931, as amended by Sec. I, Cir. No. 4, W. D., Jan. 13, 1940]

§ 62.28 *Honor graduates of class MI institutions.* (a) The professor of military science and tactics at each class MI institution maintaining a Reserve Officers' Training Corps unit may designate annually the honor graduates of such units.

(b) In this case the term "honor graduate" will apply to graduates of such institutions who hold either a commission or a certificate of appointment in the Officers' Reserve Corps, citizens of the United States, who have been selected by the president or other head of the institution for scholastic excellence and who have been designated by the professor of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for the military service.

(c) The designation as honor graduate of a class MI institution entitles the individual to be considered in selection of applicants for appointment in the Regular Army, provided he will graduate in the current academic year from an institution which offers a college degree upon satisfactory completion of not less than a four years' college course, and has been selected by the president or other head of the institution as an honor graduate for scholastic excellence, and provided further that he is eligible for appointment under other pertinent laws and regulations (see Sec. 73.54). (Sec. 40, 39 Stat. 191; sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Par. 79½, AR 145-10, May 28, 1931, as amended by Sec. I, Cir. No. 4, W. D., Jan. 13, 1940]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-353; Filed, January 23, 1940;
10:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

TRUST INDENTURE ACT OF 1939— SECURITIES ACT OF 1933

ADOPTION OF GENERAL RULES AND REGULATIONS UNDER THE TRUST INDENTURE ACT OF 1939 AND FORMS T-1, T-2 AND T-3

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Trust Indenture Act of 1939, particularly Sections 305, 307, 314 and 319 thereof, [C. 411, sec. 305, 53 Stat. 1154; 15 U.S.C. 77eee; C. 411, sec. 307, 53 Stat. 1156; 15 U.S.C. 77ggg; C. 411, sec. 314, 53 Stat. 1167; 15 U.S.C. 77nnn; C. 411, sec. 319, 53 Stat. 1173; 15 U.S.C. 77sss] and finding such action necessary and appropriate in the public interest and for the protection of investors, and necessary to carry out the provisions of the Act, hereby adopts the following rules and regulations:

I. The General Rules and Regulations under the Trust Indenture Act of 1939.

II. Form T-1 [Sec. 269.T-1] for Statements of Eligibility and Qualification under the Trust Indenture Act of 1939 of Corporations Designated to Act as Trustees.

III. Form T-2 [Sec. 269.T-2] for Statements of Eligibility and Qualification under the Trust Indenture Act of 1939 of Individuals Designated to Act as Trustees.

IV. Form T-3 [Sec. 269.T-3] for Applications for Qualification of Indentures under the Trust Indenture Act of 1939. Effective January 23, 1940.

Adoption of Supplement S-T to Registration Statements Under the Securities Act of 1933

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly Sections 7, 10 and 19 (a) thereof, [C. 38, sec. 7, 48 Stat. 78; 15 U.S.C. 77g; C. 38, sec. 10, 48 Stat. 81; C. 404, sec. 205, 48 Stat. 906; 15 U.S.C. 77j; C. 38, sec. 19, 48 Stat. 85; C. 404, sec. 209, 48 Stat. 908; 15 U.S.C. 77s.] and finding such action necessary and appropriate in the public interest and for the protection of investors, and necessary to carry out the provisions of the Act, hereby adopts Supplement S-T [Sec. 239.S-T] under the Securities Act of 1933 to be used if any of the securities being registered are to be issued under an indenture to be qualified under the Trust Indenture Act of 1939.

Effective January 23, 1940.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-366; Filed, January 23, 1940;
12:47 p. m.]

SECURITIES ACT OF 1933

ADOPTION OF FORM SUPPLEMENT S-T TO REGISTRATION STATEMENTS

Form Supplement S-T to Registration Statements, adopted by the Commission on January 18, 1940, effective January 23, 1940, was filed with the Division of the Federal Register, The National Archives, on January 23, 1940, at 12:50 p. m. (F.R. Doc. 40-367). Requests for copies should be addressed to the Securities and Exchange Commission.

TRUST INDENTURE ACT OF 1939

ADOPTION OF FORM T-1 FOR STATEMENTS OF ELIGIBILITY AND QUALIFICATION OF CORPORATIONS DESIGNATED TO ACT AS TRUSTEES

Form T-1, Statements of Eligibility and Qualification under the Trust Indenture Act of 1939 of Corporations Designated to Act as Trustees, adopted by the Commission on January 18, 1940, effective January 23, 1940, was filed with the Division of the Federal Register, The National Archives, on January 23, 1940, at 12:50 p. m. (F.R. Doc. 40-368). Requests for copies should be addressed to the Securities and Exchange Commission.

TRUST INDENTURE ACT OF 1939

ADOPTION OF FORM T-2 FOR STATEMENTS OF ELIGIBILITY AND QUALIFICATION OF INDIVIDUALS DESIGNATED TO ACT AS TRUSTEES

Form T-2 Statements of Eligibility and Qualification under the Trust Indenture Act of 1939 of Individuals Designated to Act as Trustees, adopted by the Commission on January 18, 1940, effective, January 23, 1940, was filed with the Division of the Federal Register, The National Archives, on January 23, 1940, at 12:50 p. m. (F.R. Doc. 40-369). Requests for copies should be addressed to the Securities and Exchange Commission.

TRUST INDENTURE ACT OF 1939

ADOPTION OF FORM T-3 FOR APPLICATIONS FOR QUALIFICATION OF INDENTURES

Form T-3, Applications for Qualification of Indentures under the Trust Indenture Act of 1939, adopted by the Commission on January 18, 1940, effective, January 23, 1940, was filed with the Division of the Federal Register, The National Archives, on January 23, 1940, at 12:50 p. m. (F.R. Doc. 40-370). Requests for copies should be addressed to the Securities and Exchange Commission.

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

ADOPTION OF NEW RULE U-12B-1 AND RESCISON OF PREVIOUS RULE U-12B-1

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly sections 9, 10, 12 and 20 (a) thereof [C. 687, Sec. 9, 49 Stat. 817; 15 U.S.C., Sup. III, 791; C. 687, Sec. 10, 49 Stat. 818; 15 U.S.C., Sup. III, 791; C. 687, Sec. 12, 49 Stat. 823; 15 U.S.C., Sup. III, 791; C. 687, Sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 791], and finding such action necessary and appropriate in the public interest and for the protection of investors and consumers, and to prevent the circumvention of the provisions of said Act and the rules, regulations and orders thereunder, the Securities and Exchange Com-

mission hereby rescinds Rule U-12B-1 [Sec. 250.U-12B-1] now in effect and adopts the following rule, which is designated Rule U-12B-1:

§ 250.U-12B-1 (Rule U-12B-1) *Loans, extensions of credit, donations and capital contributions to associate companies.*

(a) Except pursuant to a declaration effective under paragraph (c) of this rule, no registered holding company or subsidiary company thereof shall, directly or indirectly, lend or in any manner extend its credit to or indemnify any associate company (including any exempt foreign associate or exempt non-utility associate) unless the transaction is—

(1) An acquisition of any security issued by an associate company which is exempted from section 9 (a) of the Act by section 9 (b) thereof [C. 687, Sec. 9, 49 Stat. 817; 15 U.S.C., Sup. III, 791] or by any rule or regulation of the Commission; or

(2) A guaranty of any security exempt under Rule U-3D-9 [Sec. 250. U-3D-9]; or

(3) An extension of credit for not more than one year resulting from the performance in whole or in part of any service, construction or sales contract (including sales of materials and supplies) or from sales of electric energy or natural or manufactured gas; or

(4) An advance on open account to any exempt foreign subsidiary or any exempt nonutility subsidiary provided the total of all such advances during any calendar year is not in excess of 1 percent of the principal amount of the outstanding funded indebtedness plus the combined capital and surplus accounts as of the end of the prior calendar year of the company making such advances.

If after notice and opportunity for hearing the Commission finds that any term or condition of any transaction specified in (1), (2), (3) or (4) above is detrimental to the public interest, the interest of investors or consumers, or in circumvention of any of the provisions of this Act or any rule, regulation or order of the Commission thereunder, the Commission may require appropriate revision of such term or condition.

(b) No registered holding company or subsidiary thereof shall, directly or indirectly, make any donation or capital contribution to any associate company unless (1) a declaration with respect to such transaction is effective under paragraph (c) of this rule; or (2) such transaction has been approved by the Commission under section 10 [C. 687, Sec. 10, 49 Stat. 818; 15 U.S.C., Sup. III, 791] of the Act or is exempted from section 9 (a) thereof by section 9 (b) (2) thereof [C. 687, Sec. 9, 49 Stat. 817; 15 U.S.C., Sup. III, 791] or by any rule or order of the Commission.

(c) Any company proposing to enter into any transaction subject to paragraph (a) or (b) of this rule shall file

a declaration stating the amount and purpose of the proposed capital contribution, donation, loan, extension of credit or indemnification, the use that is to be made of any proceeds thereof, the nature of the security, if any, intended to be issued as evidence thereof, any collateral therefor, the maturity date, rate of interest, and all discounts, fees and commissions, and other charges to be made in connection therewith, and such facts as are considered pertinent to showing that such transaction is in the public interest and in the interest of investors and consumers and not in circumvention of any provision of the Act or of any rule or regulation of the Commission thereunder; and as to a proposed advance on open account, the reasons, if any, for not evidencing the same by the issuance of a security. Such declaration shall comply with Rule U-2 [Sec. 250. U-2] as to form. Unless prior thereto the Commission shall issue an order for hearing on such declaration, such declaration shall become effective (1) on the 20th day after the filing thereof or of the last amendment thereto; or (2) such earlier date as may be determined by the Commission at the request of declarant; or (3) such latter date as declarant may designate in such declaration, in any amendment thereto, or in written or telegraphic notice to the Commission.

(d) If the Commission shall issue an order for hearing on such declaration, such declaration shall not become effective except pursuant to the further order of the Commission and in accordance with such terms and conditions as the Commission may impose in such order. An order permitting such declaration to become effective will issue if, after hearing thereon, the Commission finds that the transaction as proposed, or as limited by such order, is in the public interest and in the interest of investors and consumers and not in circumvention of any provision of the Act, or rule or order of the Commission thereunder. If it shall appear to the Commission at any time after the effective date of any such declaration which has become effective without hearing thereon, that the conditions of the preceding sentence are not satisfied, the Commission may issue an order to show cause suspending the effectiveness of the declaration as to any unexecuted transaction or portion thereof unless and until after notice and opportunity for hearing the Commission shall find that the transaction is not detrimental to the public interest or the interest of investors or consumers and not in circumvention of any provision of the Act, or rule or order of the Commission thereunder.

(e) As used in this rule, the terms "exempt foreign associate" and "exempt foreign subsidiary" mean, respectively, any associate company or subsidiary of any registered holding company or subsidiary company thereof which is exempt from any obligation imposed upon it as a subsidiary company by virtue of an order of the Commission pursuant to

section 3 (b) [C. 687, Sec. 3, 49 Stat. 810; 15 U.S.C., Sup. III, 79 C.], or which has filed an application for such an exemption. The terms "exempt non-utility associate" and "exempt non-utility subsidiary" mean, respectively, any associate company or subsidiary of any registered holding company or subsidiary company thereof which is exempt from any obligation imposed upon it as a subsidiary company pursuant to Rule U-3D-5 [Sec. 250. U-3D-5].

Effective January 23, 1940.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-371; Filed, January 23, 1940;
12:52 p. m.]

TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[Order No. 287]

AN ORDER REQUIRING CUMULATIVE REPORTS OF COST AND REALIZATION DATA FOR ALL MINES HAVING A DAILY CAPACITY OF FIFTY NET TONS OR MORE, AND ALL MINES SHIPPING DIRECTLY BY RAIL OR RIVER, REGARDLESS OF CAPACITY

Pursuant to the provisions of Section 10 (a) of the Bituminous Coal Act of 1937, it is ordered that:

1. Each producer of bituminous coal whether or not a code member and whether or not engaged in commerce in coal, which is subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, whose mine or mines have a present actual daily capacity of fifty (50) net tons or more, or who ships directly by rail or river, regardless of daily capacity of such mine or mines, shall file, in duplicate, complete reports of the total costs of the tonnage produced at such mine or mines and the realization derived from the sale of such coal, as hereinafter provided. Said reports shall be filed at the office of the Statistical Bureau of the Division for the District in which the reporting mine is located, within the time hereinafter prescribed.

2. In lieu of the reports required to be filed on Cost Form No. 3, pursuant to Order No. 236,¹ the above designated producers shall report said costs and realization on and in conformity with "Cost Form No. 3 Revised" and the "Manual of Instructions for Compiling Reports on Cost and Realization" adopted by the Division on November 20, 1939 which "Cost Form No. 3 Revised" and "Manual of Instructions" are by this reference incorporated herein and made a part hereof, and copies of which are available at the office of the Division in Washington, D. C. and at the office of each Statistical Bureau.

No. 16—2

3. A separate report shall be made for each mine. Each such report shall include all costs and realization data for—

(a) The seven-months period June-December 1939, and

(b) The calendar year 1939 as indicated by the report form provided.

4. The report required under this order shall be filed on or before the 29th day of February, 1940.

5. Reports shall be filed for each mine which operated during any part of the calendar year even though said mine may have been in operation for only a very limited period.

6. In the case of any mine of the class described in Paragraph 1 hereof, which is not in operation in any part of the calendar year, such fact shall be shown on the report and only such data as will show the cost of ownership and of maintenance shall be reported.

7. The report shall be certified as being correct by the producer, if an individual, or by a member of the firm, if a partnership, or in the case of a corporation, by a responsible officer thereof who is familiar with the facts. The report shall be submitted under oath.

8. Except as modified herein, the provisions of Order No. 236, as modified by Orders No. 252 and No. 262,² shall remain in full force and effect.

Dated, November 20, 1939.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-358; Filed, January 23, 1940;
11:56 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR CHAPTER I—GENERAL LAND OFFICE

AIR NAVIGATION SITE WITHDRAWAL No. 133, CALIFORNIA, AND MODIFICATION OF THE ORDER CREATING CALIFORNIA GRAZING DISTRICT No. 1

JANUARY 13, 1940.

It is ordered under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 728, 49 U.S.C., sec. 214, that the following-described public land in California be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Civil Aeronautics Authority in the maintenance of air navigation facilities:

Mount Diablo Meridian

T. 27 S., R. 39 E.,
sec. 12, W $\frac{1}{2}$ W $\frac{1}{2}$,
sec. 13, NW $\frac{1}{4}$ NW $\frac{1}{4}$, 200 acres.

And departmental order of April 8, 1935, creating California Grazing District No. 1, is hereby modified and made subject to the withdrawal effected by this

¹ 3 F.R. 723 DI.

² 3 F.R. 2475 DI; 4 F.R. 969 DI.

order in so far as it affects the herein-described land.

E. K. BURLEW,
Acting Secretary of the Interior.

[F. R. Doc. 40-350; Filed, January 23, 1940;
9:30 a. m.]

CHAPTER II—BUREAU OF RECLAMATION

CABINET GORGE RESERVOIR SITE, MONTANA

FIRST FORM RECLAMATION WITHDRAWAL

Correction

The first line of the land description appearing in F. R. Doc. 39-4803 (filed December 27, 1939, at 9:59 a. m.), and printed in the FEDERAL REGISTER for Thursday, December 28, 1939, on Page 4959, should read "T. 25 N., R. 32 W.," instead of "T. 26 N., R. 32 W.,".

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

ORDER IN THE MATTER OF ANNUAL REPORTS FROM CARRIERS BY PIPE LINE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of January, A. D. 1940.

The subject of the requirement of annual reports from carriers by pipe line being under consideration:

It is ordered:

1. That the order of this Commission dated November 28, 1938,¹ In the Matter of Annual Reports from Carriers by Pipe Line, is hereby annulled.

2. That all carriers by pipe line subject to the provisions of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ending December 31, 1939, and for each succeeding year until further order, in accordance with Annual Report Form P (Carriers by Pipe Line), which is hereby approved and made a part of this order.²

It is further ordered, That the annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates.

By the Commission, division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 40-355; Filed, January 23, 1940;
11:14 a. m.]

¹ 3 F.R. 3856 DI.

² Filed as a part of the original document; requests for copies should be addressed to the Interstate Commerce Commission.

**ORDER IN THE MATTER OF ANNUAL REPORTS
FROM STEAM RAILWAY COMPANIES OF
CLASS III**

At a session of the Interstate Commerce Commission, Division I, held at its office in Washington, D. C., on the 18th day of January, A. D. 1940.

The subject of the requirement of annual reports from steam railway companies being under consideration:

It is ordered:

1. That the order of this Commission dated November 4, 1938,¹ in the Matter of Annual Reports from Steam Railway Companies of Class III is hereby annulled.

2. That all steam railway companies of Class III subject to the provisions of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ended December 31, 1939, and for each succeeding year until further order, in accordance with Annual Report Form C (Small Roads), which is hereby approved and made a part of this order.²

It is further ordered, That the annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division I.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 40-356; Filed, January 23, 1940;
11:14 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 32-FD]

IN THE MATTER OF THE APPLICATION OF HARBISON-WALKER REFRACTORIES COM- PANY

ORDER GRANTING RENEWAL OF EXEMPTION

Harbison-Walker Refractories Company, Applicant herein, having on July 7, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it in the business of producing fire brick; and

The Commission having, on June 6, 1938, entered an order pursuant to such application in Docket No. 32-FD ordering that the provisions of Section 4, Part II, (1) do apply to the bituminous coal produced by Applicant at its mines located in Dean, Cambria County, Pennsylvania; Templeton, Armstrong County, Pennsyl-

vania; Surveyor, Clearfield County, Pennsylvania; and Retort, Center County, Pennsylvania, and consumed by it in its fire brick plants, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further providing that the Commission may require the Applicant to apply periodically for renewal of said order of June 6, 1938, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

The Director having by order dated November 9, 1939, required the Applicant to apply for renewal of said order of June 6, 1938; and

Applicant having on November 27, 1939, filed with the Bituminous Coal Division, a verified application for renewal of said order of June 6, 1938, which application contains a statement of the quantities of coal produced by Applicant for the year preceding the date of the filing of its application for renewal at its mines located in Dean, Cambria County, Pennsylvania; Templeton, Armstrong County, Pennsylvania; Surveyor, Clearfield County, Pennsylvania; and Retort, Center County, Pennsylvania, and consumed by Applicant in its fire brick plants, and which application also contains a statement that the facts set forth in the application dated July 7, 1937, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order dated June 6, 1938, continue to exist;

It is ordered, That the application filed by the Applicant for renewal of said order dated June 6, 1938, be and the same is hereby granted;

Provided, however, That the said order dated June 6, 1938, and the exemption granted thereby, shall automatically terminate and expire:

1. Unless the Applicant, on or before December 22, 1940, files an application for renewal of said order;

2. Unless the Applicant, on or before August 22, 1940, files with the Director a verified report for the six-month period ending July 22, 1940, containing the following information which the Director hereby finds necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine or mines covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine or mines;

(c) The total tonnage of such production which was consumed by Applicant and the nature and purpose of such consumption;

3. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mines from which the coal in question was produced or in the ownership of the plants or factories or other facilities at which the coal was consumed; and

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

It is further ordered, That the Director, at any time upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of June 6, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, January 22, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-357; Filed January 23, 1940;
11:56 a. m.]

Office of the Secretary.

[Order No. 1416]

GRAZING SERVICE

AUGUST 26, 1939.

By virtue of the authority vested in me by the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and commonly known as the Taylor Grazing Act, it is hereby ordered that the name of the division of the Department of the Interior that is charged with the administration and control of the grazing districts created by me pursuant to that act be, and it is hereby, changed from "Division of Grazing" to "Grazing Service."

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 40-351; Filed, January 23, 1940;
9:30 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administra- tion.

[SRB-401-Fla. Celery]

1940 AGRICULTURAL CONSERVATION PRO- GRAM FOR THE FLORIDA CELERY AREA

SOUTHERN REGION BULLETIN 401

Applicable only in Manatee, Marion, Palm Beach, Sarasota, and Seminole Counties, Florida. Program effective from January 1, 1940 to December 31, 1940.

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¹ 3 F.R. 2707 DI.

² Filed as a part of the original document; requests for copies should be addressed to the Interstate Commerce Commission.

Sec.

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SECTION 1. Authority, availability of funds, and applicability. (a) Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1940, payments and grants of aid will be made for participation in the 1940 Agricultural Conservation Program for the Florida Celery Area (hereinafter referred to as the 1940 program) in accordance with the provisions hereof and such modifications thereof or other provisions as may hereafter be made.

(b) The provisions of the 1940 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. As an adjustment for participation, the rates of payment and deductions with respect to any commod-

ity or item of payment may be increased or decreased by as much as 10 percent.

(c) The provisions of the 1940 program contained herein, except Sec. 9, are not applicable to (1) counties other than Manatee, Marion, Palm Beach, Sarasota, and Seminole counties, Florida; and (2) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Sec. 2. Farm acreage allotments and goals. The county committee, with the assistance of other local committees, shall determine acreage allotments and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments determined for the farms in a county shall not exceed the applicable county acreage allotments established for the county by the Agricultural Adjustment Administration, and the sum of the acreage allotments for farms with respect to which allotments are determined shall not exceed their proportionate share of the county acreage allotments.

(a) **Total soil-depleting acreage allotment.** The total soil-depleting acreage allotment for any farm shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm, taking into consideration special crop acreage allotments determined for the farm. The total soil-depleting acreage allotment for any farm shall compare with the allotments determined for other farms in the same community which are similar with respect to such factors. Total soil-depleting allotments will be determined for all farms on which general crops or livestock are produced for market, and for which a celery, tobacco, or potato acreage allotment is determined.

(b) **Celery allotment.** Acreage allotments for celery shall be determined on the basis of tillable acreage, crop-rotation practices, type of soil, and topography, giving special consideration to small farms. Consideration shall also be given to the other special crop acreage allotments determined for the farm. The allotment for any farm shall compare with the allotments determined for other farms in the same community which are similar with respect to such factors.

(c) **Tobacco allotment.** An acreage allotment for flue-cured tobacco for any farm on which flue-cured tobacco was produced in one or more of the five years 1935-1939 shall be determined on the basis of the past acreage of tobacco (harvested and diverted) with due al-

lowance for drought, flood, hail, other abnormal weather conditions; planted and other diseases; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco. Special consideration shall be given to farms for which acreage allotments are small.

The allotment for any farm on which tobacco is produced in 1940 for the first time since 1934 shall be determined on the basis of the tobacco-producing experience of the farm operator, land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

(d) **Potato allotment.** In Palm Beach County, designated as a commercial potato-producing county, potato acreage allotments shall be determined for each farm on which the acreage normally planted to potatoes is determined to be 3 acres or more. Potato acreage allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The potato acreage allotment for any farm shall compare with the allotments for other farms in the same community which are similar with respect to such factors.

(e) **Commercial vegetables.** An acreage allotment of commercial vegetables shall be determined for each farm on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. The vegetable allotment shall be determined on the basis of the 1936-1937 average acreage or the average of a later period adjusted to the 1936-1937 level, with adjustments for abnormal weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop-rotation practices, and changes in farming practices.

(f) **Soil-building goal.** The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 of the payment computed for the farm under Sec. 5 (e).

Sec. 3. Normal yields. The county committee, with the assistance of other local committees, shall determine for each farm for which a tobacco, celery, or potato acreage allotment is determined a normal yield for each such crop in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration. The normal yield of tobacco, celery, or potatoes, as the case may be, for any farm shall be the yield which may reasonably be expected from the land devoted to the production of the crop in 1940, with due consideration for type of soil, production practices, general fertility of the land, and the yield of such crop customarily

made on the farm. The average yield for all farms in any county with respect to any such crop shall not exceed the county average yield for the crop established by the Secretary.

SEC. 4. Soil-building practices. The soil-building practices listed below shall count toward reaching the soil-building goal, to the extent indicated, when they are carried out in 1940 in accordance with specifications shown following each practice.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal: *Provided*, That labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "a State or Federal agency" within the meaning of this paragraph.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency.

The unit credits listed below are the maximum units allowable, and the credit for any practice on the item included may be adjusted downward by the State committee with the approval of the Administrator.

Application of Materials

1. Application of the following materials to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, annual ryegrass, or permanent pasture, which are not seeded or grown with a soil-depleting crop, *One unit (\$1.50)*.

Specifications

(a) 300 pounds of 16 percent superphosphate or its equivalent.

(b) 500 pounds of basic slag.

(c) 600 pounds of raw rock or colloidal phosphate containing not less than 28 percent of total phosphorous pentoxide (P_2O_5) and ground fine enough for 85 percent to pass through a 200-mesh sieve.

(d) 750 pounds of raw rock or colloidal phosphate containing not less than 18 percent of total phosphorous pentoxide (P_2O_5) and ground fine enough for 80 percent of the raw rock phosphate to pass through a 100-mesh sieve, and for

the colloidal phosphate to shake through a 6-mesh sieve and 85 percent of it to wash through a 325-mesh sieve.

(e) These materials must be applied at or prior to the time of seeding, except in the case of crotalaria or Natal grass in orchards and perennials, and must be distributed evenly over the area to which they are applied.

(f) Practice 1 is not to be used on pastures oftener than once every third year. The maximum rate of application shall not exceed 3 units per acre.

2. Application of 1,000 pounds of ground limestone or its equivalent, *One unit (\$1.50)*.

Specifications

The limestone must be 90 percent or more calcium or magnesium carbonate equivalent; if limestone of lower grade than this is used, it must be applied in amounts sufficient to supply calcium or magnesium carbonate equivalent to the above. The materials listed below are equivalent to one ton of ground limestone:

1,000 pounds of burned limestone.

1,400 pounds of hydrated lime.

2,000 pounds of ground oyster or coquina shells.

2,750 pounds of limestone screenings.

3,000 pounds of limestone from Braden Quarries.

The above material must be of sufficient fineness so that 100 percent will pass through a 10-mesh sieve and 50 percent through a 100-mesh sieve.

3. Application of not less than 2 tons, air-dry weight, of straw or equivalent mulching materials (excluding barnyard and stable manure) per acre in orchards or on commercial vegetable land, *One unit (\$1.50) an acre*.

Specifications

Equivalent mulching materials are:

1½ tons crotalaria or other hay-dry legumes.

2 tons air-dry muck.

2 tons leaves (pine needles excluded).

8 tons hyacinths (green basis).

Producers who expect to use this practice shall notify the county committee prior to the carrying out of this practice and shall substantiate work done by such supporting data as are required by the county committee.

Seedings

4. Establishing a permanent vegetative cover by planting crowns of kudzu, *Four units (\$6) an acre*.

Specifications

At least 500 crowns per acre must be planted on well-prepared land. There must be a survival of 300 crowns.

5. Seeding winter legumes, *One unit (\$1.50) an acre*.

Specifications

The seedings must be at not less than the following rates per acre:

Austrian winter peas—30 pounds broadcast or 20 pounds in rows.

Vetch—20 pounds broadcast or 15 pounds in rows.

Blue lupine—40 pounds.

Unless a previous successful crop of the particular winter legume has been grown on the land, such legume must be inoculated. In fields where there is a known deficiency of lime, lime must be applied.

6. Seeding lespedeza, *Two-thirds unit (\$1) an acre*.

Specifications

Lepedeza must be seeded at not less than 20 pounds per acre.

7. Seeding annual ryegrass, *One-half unit (75 cents) an acre*.

Specifications

Annual ryegrass must be seeded at not less than 25 pounds per acre.

Pasture

8. Establishing a permanent vegetative cover by planting sod pieces of perennial grasses, *Three units (\$4.50) an acre*.

Specifications

Plantings of Para, Carib, centipede, Bermuda, carpet, and Bahia grass will qualify. A good seedbed must be prepared. Sod pieces of canes or rooted runners must be planted at an average spacing of not more than 2½ feet. Where adapted, 5 pounds of lespedeza shall also be sown in addition to sodding.

9. Seeding permanent pasture mixtures containing a full seeding of Dallis, Bermuda, carpet, or Bahia grass, *Two units (\$3) an acre*.

Specifications

(a) Preparation of non-cropland to be seeded to permanent pasture. The acreage which is to be established in pasture by the use of grass seed shall have the native wire grass, palmetto, or other vegetation removed or destroyed and all the top soil stirred by double harrowing or its equivalent to prepare a seedbed. The seedbed for grass seed shall be firm and shallow, rather than deep and soft.

(b) Rate of seeding per acre:

(1) *Grasses seeded alone*: At least 7 pounds of seed per acre of Bermuda or Bahia grass and 10 pounds of carpet or Dallis.

(2) *Seeding of mixtures*: (aa) At least 5 pounds per acre of carpet grass seed plus at least 5 pounds per acre of either Dallis or Bahia or a mixture of Dallis and Bahia.

(bb) At least 7 pounds of carpet grass seed plus at least 5 pounds of lespedeza.

(cc) Any other mixtures of the above at equivalent rates of seeding per acre.

(c) All preparation and seeding to be done in a workmanlike manner and in accordance with good farming practice. Producers must supply sales receipts for the quantity and kind of grass seed purchased.

10. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes, 10 pounds of seed, one unit (\$1.50).

Specifications

The following grasses and legumes seeded alone or in mixtures shall be used:

Carpet grass, Dallis grass, Bahia grass, and White Dutch clover.

For mixtures of certain of the above grasses or legumes, those approved under practice 9 shall be used for the particular soil type. Land to be reseeded shall have a properly prepared seedbed.

Producers shall supply sales receipts for the kind and quantity of grass and legume seeds used, and such receipts shall be required to support the performance records.

11. Contour ridging of non-crop open pasture land, 1,000 linear feet of ridge, one unit (\$1.50).

Specifications

This practice shall apply only to the area lying west of the Suwannee River. The ridges shall not be less than 3 feet wide at the base and 1 foot high, with a settled height of 8 to 10 inches. The interval between contour ridges shall not exceed one-third the terrace interval listed under practice 12.

Erosion Control

12. Construction of standard terraces for which proper outlets are provided, 200 linear feet of terrace, one unit (\$1.50).

Specifications

(a) Terraces must be constructed on variable grades as follows:

Length of terrace	Maximum fall per 100 feet
	Inches
0 to 100 feet.....	0
100 to 200 feet.....	$\frac{1}{2}$
200 to 300 feet.....	1
300 to 400 feet.....	$1\frac{1}{2}$
400 to 500 feet.....	2
500 to 600 feet.....	$2\frac{1}{2}$
600 to 700 feet.....	3
700 to 800 feet.....	$3\frac{1}{2}$
800 to 900 feet.....	4
900 to 1,000 feet.....	$4\frac{1}{2}$
1,000 to 1,700 feet.....	5

A maximum length of 1,700 feet may be allowed for draining in one direction.

(b) Vertical spacing between terraces shall not exceed the spacing shown in the following table:

Slope of land in feet per 100 feet	Vertical distance or the drop between terraces	Horizontal distances between terraces
1 foot.....	2.50 feet.....	180 feet.
2 feet.....	2.75 feet.....	140 feet.
3 feet.....	3.00 feet.....	100 feet.
4 feet.....	3.25 feet.....	80 feet.
5 feet.....	3.50 feet.....	75 feet.
6 feet.....	3.75 feet.....	63 feet.
7 feet.....	4.00 feet.....	57 feet.
8 feet.....	4.25 feet.....	53 feet.
9 feet.....	4.50 feet.....	50 feet.
10 feet.....	4.75 feet.....	48 feet.
12 $\frac{1}{2}$ feet.....	5.25 feet.....	42 feet.
15 feet.....	6.25 feet.....	42 feet.

(c) Size of terraces: Cross sections of terraces must have a width of bank and ditch of at least 15 to 20 feet, and a height of terrace crest above ditch bottom of 20 to 24 inches when new, a settled height of 15 to 18 inches being anticipated.

(d) Proper terrace outlets must be constructed. Terrace systems should be so planned that the terraces may outlet individually upon well-sodded pastures or meadows, or into well-protected wooded areas. If conditions are unfavorable for this method, a meadow or pasture strip should be developed for outlet control. Where the above conditions are not possible or practical, a sodded channel must be established. The outlet ends of all terrace channels shall be protected by the use of adapted vegetative strips, rocks, or other suitable impediments.

Green Manure and Cover Crops

13. (a) Green manure and cover crops of summer-growing non-legumes, except in orchards or on commercial vegetable or potato land, One-half unit (75 cents) an acre.

(b) Other green manure and cover crops (including summer-growing non-legumes in orchards or on commercial vegetable or potato land), One unit (\$1.50) an acre.

Specifications

Credit will not be given for lespedeza, peanuts hogged off, soybeans from which the seed is harvested by mechanical means, or any crop for which credit is given in 1940 under any other practice. A summer-growing crop turned under on land subject to erosion must be followed by a winter cover crop. A good stand and good growth must be obtained and left on the land or turned under. A good growth means a growth which, if harvested for hay, would make approximately $\frac{2}{3}$ ton per acre of air-dry legumes or winter-growing non-legumes, and approximately $1\frac{1}{2}$ tons per acre of air-dry summer-growing non-legumes.

14. Cowpeas, velvetbeans, crotalaria, or soybeans, interplanted or grown in combination with soil-depleting crops, Four acres, one unit (\$1.50).

Specifications

A good stand and good growth must be obtained and the vines not harvested, or in the case of soybeans the seed removed by mechanical means. A good growth means approximately $\frac{1}{2}$ ton per acre of air-dry material (10 pounds green weight for an average plot of 100 square feet).

Forestry

15. Planting pine trees on cropland or farm woodlots. (Farm woodlots shall in no event exceed the cropland in the farm), Five units (\$7.50) an acre.

Specifications

The minimum rate of planting to qualify under this practice shall be 650 trees per acre. The planting shall be protected

from fire, and from grazing by hogs, goats, and other livestock which will destroy the seedlings. The plantings shall be cared for in accordance with good tree-culture practice. The survival or stand of living trees shall not be less than 65 percent to qualify.

16. Planting pine trees on fenced non-crop open pasture land not considered a farm woodlot, Two units (\$3) an acre.

Specifications

(a) The producer shall furnish a full legal description of his property to accompany his work sheet.

(b) The producer shall furnish prior to any planting and at his expense aerial or other maps satisfactory to the county committee of the area to be planted. A map shall also be furnished of any interior holdings (giving legal description of any such area) within the fenced area that is not owned by the producer.

(c) All planting must be done in solid blocks as nearly as possible in the mapped area. On irregularly-shaped plantings only that acreage which is in even blocks will qualify and irregular portions will be disregarded. Irregular blocks of less than 4 acres may be disapproved.

(d) A minimum planting of 650 trees per acre is required with a minimum survival of 65 percent.

(e) All planted areas must be protected from damage by sheep and goats.

(f) The planted area must be protected from fire and all areas not under organized cooperative fire control with the Florida Board of Forestry must meet the following minimum requirements:

(1) Areas comprising less than 40 acres shall be surrounded by a plowed firebreak 8 feet wide and the area divided into approximately 10-acre blocks by a plowed firebreak 8 feet wide.

(2) Areas comprising 40 acres or more shall be surrounded with a plowed firebreak 16 feet wide and each 40 acres within such area shall be surrounded by a plowed firebreak 16 feet wide. In addition, the area within each 40-acre block shall be divided into 4 blocks of approximately 10 acres, with a plowed firebreak 8 feet wide.

(3) Clean-plowed firebreaks of specified width exposing the mineral subsoil are required. The fire lines shall be as straight as practicable but may deviate because of unusual ground conditions.

(g) All planting and firebreak plowing shall be done in a workmanlike manner and according to good forestry methods.

17. Cultivating, protecting, and maintaining, by replanting if necessary, a good stand of forest trees, planted between January 1, 1937, and January 1, 1940, two units (\$3) an acre.

Specifications

(a) Trees, except pines, must be cultivated twice between May and August.

(b) A stand composed of not less than 500 pines per acre must be maintained by replanting, if necessary, with seedlings of the same species between January 1 and March 1.

(c) The trees must be protected adequately to prevent damage by fire. Firebreaks must be constructed by plowing on sides adjacent to woodlands or fields having a fire hazard.

(d) This practice shall apply only on cropland or farm woodlots. (Farm woodlots shall in no event exceed the cropland in the farm.)

Miscellaneous

18. Growing a home garden for a landlord, tenant, or sharecropper family on a farm, *One unit (\$1.50) a garden.*

Specifications

The home garden shall be a plot of land not less than one-tenth (.1) acre and not more than 1 acre per farm family. Such plot to be set aside for the entire year as a garden and adequately protected from livestock and poultry. The garden must be devoted during the year to a variety of food crops for home consumption only and shall contain not less than 7 different kinds of vegetables. The garden must be cared for in a workmanlike manner and according to good farm practice. Sweetpotatoes and roasting ear corn from the fields will not count as one of the 7 varieties of vegetables required to meet the above.

SEC. 5. *Payment for full performance.* Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments, and for achieving soil-building goals in an amount which shall be the sum of the following:

(a) *Flue-cured tobacco.* 1 cent per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco acreage allotment.

(b) *Potatoes.* 3 cents per bushel of the normal yield per acre of potatoes for the farm for each acre in the potato acreage allotment.

(c) *Commercial vegetables.* \$1.50 per acre for each acre of the acreage allotment of commercial vegetables determined for the farm.

(d) *Celery.* 2½ cents a crate of the normal yield per acre of celery for the farm for each acre in the celery acreage allotment, or, if the acreage planted to celery is less than 80 percent of the celery acreage allotment, payment will be computed on the normal yield of an acreage equal to 125 percent of the acreage planted to celery, unless the county committee finds that failure to plant 80 percent of such celery acreage allotment was due to flood or drought: *Provided,* That the acreage on which payment is made shall not exceed the acreage on which an approved green manure crop is plowed or disked under. Such acreage of the green manure crop shall not count toward meeting the soil-building goal for the farm.

(e) *Payments in connection with soil-building practices.* (1) \$1.50 per acre of commercial orchards on the farm January 1, 1940.

(2) 70 cents per acre of cropland in any farm in excess of the sum of (i) the acreages used in computing payments with respect to the tobacco, celery, or potato acreage allotments determined for the farm, and (ii) the acreage of sugarcane for sugar grown on the farm in 1940.

(3) 25 cents per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

(4) \$30 or \$1.50 times the number of soil-building practice units earned by planting forest trees, whichever is smaller.

(5) If the sum of the payments computed under section 5 (excluding the amount computed under subparagraph (4) of paragraph (e)) is less than \$20, the amount determined under subparagraphs (1), (2), and (3) of this paragraph (e) shall be increased by the amount of the difference.

SEC. 6. *Payments for partial performance.* Payments computed for any farm under the provisions of Sec. 5 shall be subject to all of the following deductions which are applicable to the farm:

(a) *Flue-cured tobacco.* 8 cents per pound of the normal yield for the farm for each acre of flue-cured tobacco in excess of the tobacco acreage allotment determined for the farm.

(b) *Potatoes.* (i) (Farms for which potato acreage allotments are determined) 30 cents per bushel of the normal yield for the farm for each acre planted to potatoes in excess of the potato acreage allotment.

(ii) (Farms for which potato acreage allotments are not determined in commercial potato-producing areas) 30 cents per bushel of the normal yield for the farm for each acre planted to potatoes in excess of 3 acres.

(c) *Celery.* 20 cents per crate of the normal yield for the farm for each acre planted to celery in excess of the celery acreage allotment determined for the farm.

(d) *Commercial vegetables.* (Farms in commercial vegetable areas) \$20 per acre for each acre of land planted to commercial vegetables in excess of the commercial vegetable acreage allotment determined for the farm or 3 acres, whichever is greater.

(e) *General soil-depleting crops.* (Farms for which a total soil-depleting acreage allotment is established) \$5 for each acre classified as soil depleting in excess of (1) the total soil-depleting acreage allotment determined for the farm plus the acreages with respect to which deductions are computed under paragraphs (a) to (d), inclusive, of this

Sec. 6 or (2) the acreage of tobacco on the farm plus 20 acres, whichever is greater.

(f) *Soil-building goal.* \$1.50 for each unit by which the soil-building goal is not reached.

SEC. 7. *Division of payments and deductions—(a) Payments and deductions in connection with acreage allotments.*

(1) The net payment or net deduction computed for any farm with respect to the tobacco, celery, commercial vegetable, or potato acreage allotment or general soil-depleting crops shall be divided among the landlords, tenants, and sharecroppers in the proportion (as indicated by their acreage shares) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of the tobacco, potatoes in Palm Beach County, general crops, celery, or commercial vegetables, respectively, grown on the farm in 1940: *Provided,* That if any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1940.

(2) In computing such payments and such net deductions with respect to acreage allotments and general crops, the deduction with respect to total soil-depleting crops shall be regarded as pro rata deductions with respect to the payments computed under Sec. 5 in connection with crop acreage allotments.

(b) *Payments in connection with soil-building practices.* The amount of net payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices on the farm in 1940, such payment shall be divided in the proportion that the units contributed by each such person to such practices bear to the total units of such practices carried out on the farm in 1940. All persons contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice, unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto.

(c) *Proration of net deductions.* If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

SEC. 8. *Increase in small payments.* The total payment computed under Secs. 5 to 7, inclusive, for any person with respect to any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
\$1.00 to \$1.99	\$0.40
\$2.00 to \$2.99	.80
\$3.00 to \$3.99	1.20
\$4.00 to \$4.99	1.60
\$5.00 to \$5.99	2.00
\$6.00 to \$6.99	2.40
\$7.00 to \$7.99	2.80
\$8.00 to \$8.99	3.20
\$9.00 to \$9.99	3.60
\$10.00 to \$10.99	4.00
\$11.00 to \$11.99	4.40
\$12.00 to \$12.99	4.80
\$13.00 to \$13.99	5.20
\$14.00 to \$14.99	5.60
\$15.00 to \$15.99	6.00
\$16.00 to \$16.99	6.40
\$17.00 to \$17.99	6.80
\$18.00 to \$18.99	7.20
\$19.00 to \$19.99	7.60
\$20.00 to \$20.99	8.00
\$21.00 to \$21.99	8.20
\$22.00 to \$22.99	8.40
\$23.00 to \$23.99	8.60
\$24.00 to \$24.99	8.80
\$25.00 to \$25.99	9.00
\$26.00 to \$26.99	9.20
\$27.00 to \$27.99	9.40
\$28.00 to \$28.99	9.60
\$29.00 to \$29.99	9.80
\$30.00 to \$30.99	10.00
\$31.00 to \$31.99	10.20
\$32.00 to \$32.99	10.40
\$33.00 to \$33.99	10.60
\$34.00 to \$34.99	10.80
\$35.00 to \$35.99	11.00
\$36.00 to \$36.99	11.20
\$37.00 to \$37.99	11.40
\$38.00 to \$38.99	11.60
\$39.00 to \$39.99	11.80
\$40.00 to \$40.99	12.00
\$41.00 to \$41.99	12.10
\$42.00 to \$42.99	12.20
\$43.00 to \$43.99	12.30
\$44.00 to \$44.99	12.40
\$45.00 to \$45.99	12.50
\$46.00 to \$46.99	12.60
\$47.00 to \$47.99	12.70
\$48.00 to \$48.99	12.80
\$49.00 to \$49.99	12.90
\$50.00 to \$50.99	13.00

Amount of payment computed—Continued.	Increase in payment
\$51.00 to \$51.99	13.10
\$52.00 to \$52.99	13.20
\$53.00 to \$53.99	13.30
\$54.00 to \$54.99	13.40
\$55.00 to \$55.99	13.50
\$56.00 to \$56.99	13.60
\$57.00 to \$57.99	13.70
\$58.00 to \$58.99	13.80
\$59.00 to \$59.99	13.90
\$60.00 to \$185.99	14.00
\$186.00 to \$199.99	(1)
\$200.00 and over	(2)

¹ Increase to \$200.00.

² No increase.

SEC. 9. *Payments limited to \$10,000.* The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and turpentine places located in Florida, shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico), shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned, if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

SEC. 10. *Deductions incurred on other farms—(a) Other farms in the same county.* If the deductions computed under Sec. 6 with respect to any farm in a county exceed the payment for full performance on such farm computed under Sec. 5, a landlord's or tenant's share of the amount by which such deduction exceeds such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farm or farms in such county.

(b) *Other farms in Florida.* If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farm or farms in Florida, if the State committee finds that the crops grown and practices adopted on the farm or farms with respect to which

such deductions are computed substantially offset the contribution to the program made on such other farm or farms.

SEC. 11. *Deduction for association expenses.* There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

SEC. 12. *Materials furnished as grants of aid.* Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the Agricultural Adjustment Administration in the county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary. The producer shall also agree that if the materials are used in a manner which is not in accord with the purpose for which such materials are furnished, the deduction for the materials misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse, and he agrees also that any finding made in this connection by the county committee shall be final when approved by the State committee, subject to the right of appeal.

SEC. 13. *General provisions relating to payments—(a) Payment restricted to effectuation of the purposes of the program.* (1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned (i) if he adopts or has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs, (ii) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (iii) if, with respect to forest land or woodland owned or controlled by him, he adopts or has adopted any practice which

the Director of the Southern Division finds is contrary to sound conservation practices.

(2) Payments other than payments in connection with soil-building practices will be made only with respect to farms which are being operated in 1940.

(b) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph (d) of this section and indebtedness to the United States subject to set-off orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.* If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program.

(d) *Assignments.* Any person who may be entitled to any payment in con-

nection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration, and unless the assignment has priority as determined under instructions issued by the Agricultural Adjustment Administration.

Nothing contained in this subsection (d) shall be construed to give an assignee (the person to whom the assignment is made) a right to any payment other than that to which the assignor (the farmer making the assignment) is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability, if payment is made to the farmer without regard to the existence of an assignment.

(e) *Excess cotton acreage.* Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted during 1940 on land in any farm in which he has an interest in excess of the cotton acreage allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1940 on acreage in excess of the cotton acreage allotment for the farm for 1940 shall not be eligible for any payment whatsoever, on that farm or any other farm, under the provisions of the 1940 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on an acreage in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

§ SEC. 14. Application for payment—

(a) *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any person for whom, under the provisions of Sec. 7, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm, or (2)

who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment, if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

(c) *Applications for other farms.* If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

SEC. 15. *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) any soil-depleting acreage allotment or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is for-

warded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing, if he appears when the hearing thereon is held.

SEC. 16. *Instructions and forms.* The Agricultural Adjustment Administration shall prepare and issue such instructions and forms as may be required in administering the 1940 program.

SEC. 17. *Definitions.* For the purposes of the 1940 program, unless the context otherwise requires:

Officials

(1) *Secretary* means the Secretary of Agriculture of the United States.

(2) *Administrator* means the Administrator of the Agricultural Adjustment Administration.

(3) *Director of the Southern Division* means the person in charge of the agricultural conservation programs in the Southern Region.

(4) *State Committee* means the group of persons designated within the State to assist in the administration of the agricultural conservation programs in Florida.

(5) *County Committee* means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in such county.

Areas

(1) *Southern Region* means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(2) *Florida Celery Area* means the following counties: Manatee, Marion, Palm Beach, Sarasota, and Seminole.

(3) *Commercial Potato-Producing Area* means Palm Beach County.

(4) *Commercial Vegetable-Producing Area* means the following counties: Manatee, Marion, Palm Beach, Sarasota, and Seminole.

Farm

(1) *Farm* means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(a) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(b) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

Crops and Land Uses

(1) *Acreage Planted to Potatoes* means the acreage of land seeded to potatoes for any purpose.

(2) *Acreage Planted to Celery* means the acreage of land set to celery for any purpose.

(3) *Soil-Depleting Acreage* means the acreage of land devoted during the 1940 crop year to one or more of the following crops or uses. Land from which a volunteer crop is harvested shall be classified as if the crop were planted.

(a) Corn planted for any purpose, except roasting ear corn or popcorn grown in home gardens for use on the farm.

(b) Tobacco harvested for any purpose.

(c) Grain sorghums planted for any purpose.

(d) Cotton which reaches the stage of growth at which bolls are first formed.

(e) Sugarcane grown for any purpose.

(f) Rice planted for any purpose.

(g) Peanuts harvested for nuts or dug for hay.

(h) Potatoes planted for any purpose, except when grown in home gardens for use on the farm.

(i) Annual truck and vegetable crops planted for any purpose, except when grown in home gardens for use on the farm.

(j) Peas planted for canning or freezing, except when used as green manure or grown in home gardens for use on the farm.

(k) Sudan grass or millet harvested for grain or seed.

(l) Sweet sorghums harvested for any purpose. A summer legume and sweet sorghum mixture harvested for hay will not be considered as sweet sorghums, provided less than one-half of the harvested mixture is composed of sweet sorghums.

(m) Commercial bulbs and flowers harvested for any purpose.

(4) *General Soil-Depleting Crops or General Crops* means all crops listed in the definition of soil-depleting acreage, except sugarcane for sugar and the crops for which special crop acreage allotments are established on the farm.

(5) *Commercial Vegetables* means the acreage of annual vegetables or truck crops (including potatoes in Manatee, Marion, Sarasota, and Seminole counties; sweetpotatoes, tomatoes, sweet corn, cantaloupes, annual strawberries, and commercial bulbs and flowers, but excluding celery, peas for canning or freezing, and sweet corn for canning) of which the principal part of the production is sold to persons not living on the farm.

(6) *Commercial Orchards and Perennial Vegetables* means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables, on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards), from which the major portion of the production is normally sold.

Miscellaneous

(1) *Person* means any individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(2) *Landlord or Owner* means a person who owns land and rents such land to another person or operates such land.

(3) *Sharecropper* means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon, or of the proceeds thereof.

(4) *Tenant* means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of a crop produced thereon, or of the proceeds thereof) and is entitled under a written or oral lease or agreement to receive all or a share of a crop produced thereon, or of the proceeds thereof.

(5) *Cropland* means farm land which in 1939 was tilled or was in regular rotation.

(6) *Non-Crop Open Pasture Land* means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(7) *Special Crop Acreage Allotment* means a tobacco, celery, commercial vegetable, or potato acreage allotment.

(8) *Animal Unit* means one cow or one horse, five sheep or five goats, two calves or two colts, or the equivalent thereof.

Done at Washington, D. C., this 23d day of January, 1940. Witness my hand

and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-359; Filed, January 23, 1940;
12:02 p. m.]

Rural Electrification Administration.

[Administrative Order No. 428]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 13, 1940.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Alabama 0009W1 Clarke-Washing-	\$5,000
ton	
Alabama 8020W2 Baldwin	5,000
Colorado 8007W1 Mesa	7,500
Colorado 7014W4 Alamosa	5,000
Indiana 7007W1 Whitley	5,000
Indiana 0053W2 Steuben	2,000
Mississippi 8021W1 Coahoma	10,000
Mississippi 9023W1 Copiah	5,000
Mississippi 9038W1 Warren	5,000
Mississippi 9041W2 Pike	5,000
Missouri 9030W2 Lawrence	5,000
Pennsylvania R9017W1 Armstrong	3,000
Utah 8008W2 Duchesne	10,000

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-349; Filed, January 22, 1940;
2:59 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 264]

IN THE MATTER OF CERTAIN CONTRACTS AND OTHER TRANSACTIONS BETWEEN MARQUETTE AIRLINES, INC., AND AMERICAN AIRLINES, INC.

NOTICE OF HEARING

The above-entitled proceeding, being an investigation instituted by orders of the Authority dated June 27, 1939 and October 18, 1939, (1) to determine whether or not any contracts, agreements and transactions by and between Marquette Airlines, Inc. and American Airlines, Inc. are adverse to the public interest, are in violation of any provisions of said Act, or constitute acts prohibited by any of the provisions of said Act; (2) to determine whether or not any of the foregoing matters require any further action by the Authority pursuant to the provisions of said Act; and (3) to determine whether or not there exist any relations between, or common control of, Marquette Airlines, Inc. and American Airlines, Inc., directly or indirectly through third persons, in violation of any of the provisions of said Act, is assigned for public hearing on January 23, 1940, 10:30 o'clock a. m. (Eastern Standard

Time), at the Carlton Hotel, 923-16th St. NW., Washington, D. C., before Examiner Frank A. Law, Jr.

Dated Washington, D. C., January 22, 1940.

FRANK A. LAW, JR.,
Examiner.

[F. R. Doc. 40-354; Filed, January 23, 1940;
10:55 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5015]

IN THE MATTER OF METROPOLITAN EDISON COMPANY, NORTHERN PENNSYLVANIA POWER COMPANY, PENNSYLVANIA ELECTRIC COMPANY, ERIE LIGHTING COMPANY, THE CLARION RIVER POWER COMPANY, SOLAR ELECTRIC COMPANY

ORDER FIXING DATE FOR RESUMING HEARING

JANUARY 22, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

It appearing that on February 8, 1939, the hearing on the matters involved in the above investigation was adjourned to such future time as may be thereafter set by the Commission;

The Commission orders that: The hearing on the matters involved in the above investigation be resumed on February 19, 1940, at 10 o'clock a. m., in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-352; Filed, January 23, 1940;
9:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of January, A. D. 1940.

[File No. 52-13]

IN THE MATTER OF HARRY SHURTLEFF, TRUSTEE, VERMONT LIGHTING CORPORATION

ORDER PERMITTING WITHDRAWAL

It appearing that on the 7th day of April, 1939, Harry Shurtleff, Trustee, filed a combined application and declaration (1) pursuant to Rule U-11F-1, promulgated under the Public Utility Holding Company Act of 1935, for approval of a Reorganization Plan of Vermont Lighting Corporation; (2) pursuant to Section 7 of the said Act, regard-

ing the issue of 16,575 shares of common stock, \$1 par value; and (3) pursuant to Rule U-12E-5 regarding solicitation of consents for approval of Reorganization Plan;

It further appearing that on the 11th day of December, 1939, the Commission made and entered its order approving the sale by Walnut Electric & Gas Corporation, a registered holding company, to Joseph M. Nelson, of certain securities, representing all of the securities of Vermont Lighting Corporation owned by Walnut Electric & Gas Corporation; that the said sale was effected on the 20th day of December, 1939; and that, as of that date Vermont Lighting Corporation ceased to be a subsidiary of a registered holding company;

It further appearing that Harry Shurtleff, Trustee, has made application for permission to withdraw the combined application and declaration aforesaid;

It is ordered, That Harry Shurtleff, Trustee, be and he hereby is permitted to withdraw the combined application and declaration aforesaid.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-372; Filed, January 23, 1940;
12:52 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of January, A. D. 1940.

[File No. 43-286]

IN THE MATTER OF NEW BEDFORD GAS AND EDISON LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to sections 6 (b) or 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on February 9, 1940, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Chas. S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to

continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 3, 1940.

The matter concerned herewith is in regard to the issue and sale to New England Mutual Life Insurance Company at par with accrued interest to date of delivery of a 3% Serial Note, Second Series, due 1955 in the face amount of \$500,000, of New Bedford Gas and Edison Light Company. It is represented that the proceeds are to be used to repay a note held by The First National Bank of Boston in the face amount of \$315,000 and the balance to be applied on open account

advances from New England Gas and Electric Association, parent of New Bedford Gas and Edison Light Company. It is stated that the proposed issue and sale was approved by the Department of Public Utilities for The Commonwealth of Massachusetts on January 2, 1940.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-373; Filed, January 23, 1940;
12:52 p. m.]

